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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,527	10/01/2003	J. Todd Wagner	5115-09-1-1	8319

7590 09/14/2005

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EXAMINER
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BROWN, DREW J

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,527	<b>Applicant(s)</b> WAGNER ET AL.	
	<b>Examiner</b> Drew J. Brown	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/29/04</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

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## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because there is a typo in the last line. The phrase "either the front of rear" should be "either the front or rear." Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: There is a typo on line 2 of page 9. The phrase "there is advantage" should be "there is an advantage."

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Takizawa et al. (U.S. Pat. No. 4,709,935). Takizawa et al. discloses a suspension for a vehicle having a body 4, where the suspension comprises a first control arm 7a extending between a wheel assembly 1 and the body defined by a first plane and a second control arm 7b also extending between the wheel assembly and the body defined by a second plane. A vertical plane extends through a vertical centerline of the wheel assembly, where an intersection between the vertical plane and the first suspension plane defines a first line, and an intersection between the vertical plane and the

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second suspension plane defines a second line. The first line and second line intersect at an instant center (Q) that lies below a roll center of the vehicle. Also, the first control arm and the second control arm do not cross one another when the first wheel assembly is viewed from one of a front and rear of the vehicle (see Figure 4).

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Wagner (U.S. Pat. No. 6,550,797 B2). Wagner discloses a suspension for a vehicle having a body 12 having a roll center, where the suspension comprises a first suspension assembly that extends between a first wheel assembly 14 and the body and defines an instant center (C), and a second suspension assembly that extends between a second wheel assembly and the body and defines an instant center. The first and second wheel assemblies are aligned so that a vertical centerline of each wheel assembly lies within a vertical plane that extends therebetween, and the instant center of each wheel assembly suspension is located within the vertical plane, below the roll center located within the vertical plane (column 18, lines 41-62 and claim 3).

6. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Wagner (U.S. Pat. No. 6,173,978 B1). With respect to claim 3, Wagner discloses a suspension system comprising first 24 and second 26 suspension arms, each having two degrees of restriction (32 and 34) and rotatably fixed (column 6, lines 2-6) between a wheel assembly 14 and the body 12, wherein the suspension arms define a first and second suspension plane, respectively. A vertical plane extends through a vertical centerline of the wheel assembly, where an intersection between the vertical plane and the first suspension plane defines a first line, and an intersection between the vertical plane and the second suspension plane defines a second line. The first line and second

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line intersect at an instant center (C) that lies below a roll center of the vehicle. Also, the first suspension arm is shorter than the second suspension arm (claim 4).

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 7 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J Brown  
Examiner  
Art Unit 3616

DJB

  
**DAVID R. DUNN**  
**PRIMARY EXAMINER**